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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200183
Party	Defendant Miss G-String International LLC
Correspondence Address	LUKE LIROT LUKE CHARLES LIROT PA 2240 BELLEAIR ROAD, SUITE 190 CLEARWATER, FL 33764 UNITED STATES luke2@lirotlaw.com, jimmy@lirotlaw.com, krista@lirotlaw.com
Submission	Motion for Summary Judgment
Filer's Name	Luke Lirot
Filer's e-mail	luke2@lirotlaw.com, jimmy@lirotlaw.com, krista@lirotlaw.com
Signature	/s/Luke Lirot
Date	12/05/2014
Attachments	Applicants Motion for Judgment with Incorporated Memorandum of Law - as filed - 12-5-14.pdf(612248 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARDS**

THE WORLDS PAGEANTS, LLC and	)	Opposition No. 91200183
Camilla Productions, Ltd.	)	
Opposers,	)	
	)	
v.	)	For: "MISS G-STRING
	)	INTERNATIONAL"
	)	
MISS G-STRING INTERNATIONAL LLC,	)	No. 77753000
Applicant.	)	Published: December 7, 2010

COMMISSIONER OF TRADEMARKS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**APPLICANT'S MOTION FOR JUDGMENT WITH  
INCORPORATED MEMORANDUM OF LAW**

Pursuant to Rule 2.132(a) and (b) of the Trademark Rules of Practice, 37 C.F.R. §2.132(a) and (b), Applicant Miss G-String International LLC ("Applicant"), through Counsel, moves for judgment on the grounds that Opposers, The Worlds Pageants, LLC ("Opposer") and Camilla Productions, Ltd., here after collectively known as Opposers ("Opposers") have failed to prosecute. Opposers did not submit a proper copy of its pleaded registration into evidence, failed to take any testimony in this matter and failed to introduce any evidence in support of its Opposition. The time to do so has expired.

**FACTS**

On June 6, 2011, Opposer filed its Notice of Opposition, No. 91200183, against Applicant's Application No. 77753000. On June 9, 2011, the Board set a Case Schedule which was revised on November 27, 2013, providing that Opposers' pre-trial Disclosures were due

April 29, 2014. On October 15, 2014, the Board revised the Case Schedule which provided Opposers' 30-day trial period ended November 29, 2014.

Opposers did not produce its pre-trial Disclosures nor did it produce testimony in support of its opposition. Moreover, Opposers did not introduce any testimony whatsoever which shows ownership and record title to the pleaded registration claimed in its Notice of Opposition.

### **ARGUMENT**

Rule 2.132(a) provides that a party may obtain an involuntary dismissal for failure of the party in position of Plaintiff to take any testimony or offer any other evidence. In this case, Opposers have not made its registration properly of record nor submitted any other evidence in support of its action. Opposers did not meet the requirements of 37 C.F.R. §2.122(d)(1) in order for the trademark registration to be made of record as evidence. The Rule reads, in relevant part, as follows:

*A registration of the Opposer or Petitioner pleaded in an opposition or petition to cancel will be received in evidence and made part of the record if the opposition or petition is accompanied by an original or photocopy of the registration prepared and issued by the United States Patent and Trademark Office showing both the current status of and title to the registration, or by current printout of the information from the electronic database records of the USPTO showing the current status and title of the registration.*

Opposer filed its Notice of Opposition against Applicant on June 6, 2011. The USPTO Assignment Branch records identified R&D Promotions, Inc. ("R&D"), not Opposer, as the record owner of the pleaded registration on June 6, 2011. On September 27, 2011, more than *three months after commencement* of this proceeding, Opposer contemporaneously executed and recorded with the USPTO's Assignment Branch the following *documents* in connection with the pleaded registration: (1) an assignment from R&D to Gracinda Cardoso, an individual ("Cardoso") *nunc pro tunc* to March 31, 2003, and (2) an assignment from Cardoso to Opposer

*nunc pro tunc* to May 6, 2009. Consequently, Opposer was unable to attach a photocopy as an exhibit to its Notice of Opposition showing both the current status of and title to the pleaded registration to support Opposer's allegation that it was the assignee of the pleaded registration at the time it filed its Notice of Opposition. Opposers were further unable to show both the current status of and title to the pleaded registration to support Opposers allegation that a subsequent assignment of the pleaded registration occurred on September 19, 2012.

The recordation of an assignment document with the Assignment Branch is a ministerial act and is not a determination by the Office of the validity of the assignment document or the effect that document has on the title to the pleaded registration. *See* Patent and Trademark Rule 3.54; TMEP Section 503.01 and 503.01(c). Opposers had the burden of demonstrating standing to rely at trial for the pleaded registration by making that registration properly of record at trial either through a notice of reliance or witness testimony. *See* Trademark act Section 2(d), 15 U.S.C. §1052(d); *Industrial Adhesive Co. v. Borden, Inc.*, 218 USPQ 945, 947-48 (TTAB 1983); Trademark Rule 2.122(d)(2). Opposer's Notice of Reliance fails to establish the validity of the *nunc pro tunc* assignment as Opposers have failed to make of record a chain of title for the pleaded registration MISS NUDE INTERNATIONAL mark from the original owner to Opposers to rely on at trial.

Opposer's *nunc pro tunc* assignments are baseless attempts to rewrite history in an effort to authenticate Opposer as the owner of the pleaded registration on June 6, 2011, the date Opposer filed its Notice of Opposition. In fact, the records of the USPTO identify R&D as the record owner of the MISS NUDE INTERNATIONAL mark.

The *nunc pro tunc* assignment documents included fourteen (14) trademarks. Nine (9) of these trademarks transferred are addressed below. Each purported transfer is temporally impossible and factually false, thereby invalid.

First, the purported assignment from R&D to Cardoso *nunc pro tunc* to March 31, 2003, collectively included the Serial No. 76/135129 for the MISS NUDE UNIVERSE mark, Serial No. 78/109613 for the MISS NUDE SOUTHERN USA mark and Serial No. 78/113024 for the MISS EXOTIC DANCER USA mark.

In fact, the records of the USPTO identify that on September 21, 2004, R&D, the record owner of the marks, not Cardoso, assigned the MISS NUDE UNIVERSE mark, the MISS NUDE SOUTHERN USA mark and the MISS EXOTIC DANCER USA mark to assignee Donald Trump's Miss Universe L.P., LLLP. (Reel/Frame: 2947/0229). Opposer's allegation that these trademarks were retroactively transferred from R&D to Cardoso *eighteen months before these transfers* are temporally impossible and factually false.

Second, the purported assignment from R&D to Cardoso *nunc pro tunc* to March 31, 2003, included the transfer of Serial No. 78/109630 for the MISS NUDE USA mark.

In fact, the records of the USPTO identify R&D, not Cardoso, as the owner of record for the MISS NUDE USA mark on its abandonment date of January 17, 2003. Opposer's allegation that this trademark was retroactively transferred from R&D to Cardoso *two months after its abandonment date* is temporally impossible and factually false.

Third, the purported assignment from R&D to Cardoso *nunc pro tunc* to March 31, 2003, included the transfer of Registration No. 2096819 for the MISS EXOTIC mark. This mark is also included in the subsequent transfer from Cardoso to Opposer *nunc pro tunc* to May 6, 2009.

In fact, the records of the USPTO identify that on September 28, 2007, R&D, not Cardoso, filed the first renewal for the MISS EXOTIC mark with the USPTO. Opposer's allegation that this trademark was retroactively transferred from R&D to Cardoso *four and a half years before* R&D, not Cardoso, filed the first renewal for the MISS EXOTIC mark is temporally impossible and factually false. The inclusion of this mark in the second assignment from Cardoso to Opposer *nunc pro tunc* to May 6, 2009, is therefore temporally impossible and factually false.

Fourth, the purported assignment from R&D to Cardoso *nunc pro tunc* to March 31, 2003, included the transfer of Registration No. 2282958 for the MISS NUDE WORLD INTERNATIONAL mark. This mark is also included in the subsequent transfer from Cardoso to Opposer *nunc pro tunc* to May 6, 2009.

In fact, the records of the USPTO identify that the MISS NUDE WORLD INTERNATIONAL mark has an abandonment date of May 13, 2004, and a cancellation date of May 24, 2004. Opposer's allegation that this trademark was retroactively transferred from Cardoso to Opposer *five years after its cancellation date* is temporally impossible and factually false.

Fifth, the purported assignment from R&D to Cardoso *nunc pro tunc* to March 31, 2003, included the transfer of Serial No. 78/109627 for the MISS NUDE EXOTIC mark. This mark is also included in the subsequent transfer from Cardoso to Opposer *nunc pro tunc* to May 6, 2009.

In fact, the records of the USPTO identify that the MISS NUDE EXOTIC mark was abandoned by R&D, not Opposer, on August 11, 2005. Opposer's allegation that this trademark was retroactively transferred from Cardoso to Opposer *nunc pro tunc* to May 6, 2009, more than *three years after its abandonment date* is temporally impossible and factually false.

Sixth, the purported assignment from R&D to Cardoso *nunc pro tunc* to March 31, 2003, included the MISS EXOTIC DANCER mark. This mark is also included in the subsequent transfer from Cardoso to Opposer *nunc pro tunc* to May 6, 2009.

In fact, the records of the USPTO identify that this mark was abandoned by R&D, not Cardoso, on June 2, 2004. Opposer's allegation that this trademark was retroactively transferred from Cardoso to Opposer *nunc pro tunc* to May 6, 2009, *five years after its abandonment date* is temporally impossible and factually false.

Seventh, the purported assignment from R&D to Cardoso *nunc pro tunc* to March 31, 2003, included the transfer of Registration No. 2037202 for the MISS NUDE INTERNATIONAL mark, the pleaded registration in this Opposition. It is also included in the subsequent transfer from Cardoso to Opposer *nunc pro tunc* to May 6, 2009.

Four (4) conflicting factual events irrefutably eliminate any possibility that Opposer's claim to be the record owner of the MISS NUDE INTERNATIONAL mark on the date of filing its Notice of Opposition are detailed below.

On January 22, 2004, R&D, not Opposer, entered into a contract to borrow money from Brian Bell ("Bell") and individual. (See Exhibit "A") A condition of the loan agreement mandated the pledge of all assets of R&D, including the MISS NUDE INTERNATIONAL mark. Opposer has agreed that trademarks issued by the USPTO are deemed to be corporate assets. On April 1, 2005, *The Circuit Court for the Sixth Judicial Circuit In and For Pinellas County, Florida* awarded Bell a judgment against R&D in the amount of \$25,790.96. (See Exhibit "B")

In fact, Opposer's allegation that the MISS NUDE INTERNATIONAL mark was retroactively transferred *more than nine months before* R&D entered into this loan agreement on January 22, 2004, is temporally impossible and factually false. The inclusion of the MISS NUDE

INTERNATIONAL mark in the second assignment from Cardoso to Opposer *nunc pro tunc* to May 6, 2009, is therefore temporally impossible and factually false

Further, on April 16, 2007, the records of the USPTO identify R&D, not Cardoso, filed the first renewal of the MISS NUDE INTERNATIONAL mark. Opposer's allegation that this trademark was retroactively transferred from R&D to Cardoso *four years before* R&D, not Cardoso, filed the MISS NUDE INTERNATIONAL mark's first renewal is temporally impossible and factually false. The inclusion of the MISS NUDE INTERNATIONAL mark in the second assignment from Cardoso to Opposer *nunc pro tunc* to May 6, 2009, is therefore temporally impossible and factually false.

Next, on May 13, 2009, Attorney Thomas T. Aquilla ("Aquilla") representing R&D, not Opposer, sent a "demand to cease and desist" letter to Applicant's Attorney in which Aquilla attests that R&D, not Opposer, is the lawful owner of the MISS NUDE INTERNATIONAL mark. (See Exhibit "D")

In fact, the records of the USPTO identify R&D, not Opposer, as the owner of record on May 13, 2009, in support of Aquilla's claim. This letter was sent one week *after* the purported effective date of the second *nunc pro tunc* to May 6, 2009, that Aquilla, then representing Opposer, caused to be executed and filed with the USPTO on September 27, 2011. Opposer's allegation that the MISS NUDE INTERNATIONAL mark was retroactively transferred from R&D to Cardoso *six years before* R&D sent its cease and desist letter to Applicant's Attorney is temporally impossible and factually false. The inclusion of the MISS NUDE INTERNATIONAL mark in the second assignment from Cardoso to Opposer *nunc pro tunc* to May 6, 2009, is therefore temporally impossible and factually false.



Finally, on October 6, 2011, Aquilla sent a second letter, this time to *The Attorney Discipline Office of the New Hampshire Bar Association* in which Aquilla reaffirms that R&D, not Opposer, is the lawful owner of the MISS NUDE INTERNATIONAL mark as he attested in his cease and desist letter to Applicant's Attorney dated May 13, 2009.

In fact, in this second letter, Aquilla attests that "*The statements made in my letter to Eadie dated May 13, 2009, are true and accurate...*". It is important to note that this letter is dated October 6, 2011, sent *four months after* Aquilla conflictingly filed Opposer's Notice of Opposition with the Board on June 6, 2011, then representing Opposer.

Clearly, Opposers have failed to establish a chain of title for the pleaded registration of the MISS NUDE INTERNATIONAL mark from the original owner to Opposers to rely upon at trial. Opposers have failed to show current status nor current title to its pleaded registration in compliance with Trademark Rule 2.122(d). Therefore, Opposers' pleaded registration is not in evidence.

Opposers failed to meet its burden to prove standing and entitlement to relief. As such, it is appropriate that the Applicant now moves for Judgment under Rule 2.132(a). See Hewlett-Packard Co. v. Olympus Corp., 18 USPQ2d 1710 (Fed. Cir. 1991); Hartwell Co. v. Shane, 17 USPQ2d 1569 at fn4 (TTAB 1990); Hester Industries, Inc. v. Tyson Foods, Inc., 2 USPQ2d 1646 (TTAB 1987).

Rule 2.132 provides that a motion for Judgment under the Rule should be filed before the opening of the moving party's testimony. Applicant's pre-trial Disclosures are due December 14, 2014, with its 30-day trial period to end January 28, 2015. Applicant's motion is thereby timely.

Rule 2.132(a) relieves the Applicant from the burden of having to incur the expense and the time of a trial where the Opposer has wholly failed to prosecute its case. Opposer presented no record evidence or testimony establishing its case and has not demonstrated standing nor a ground upon which relief may be granted. Accordingly, Applicant moves for judgment under 37 C.F.R. §2.132(a).

Even assuming, arguendo, that the registration pleaded by Opposers is part of the evidentiary record under 37 C.F.R. §2.122(d)(1), Opposers' opposition is dismissible for failure to take testimony under 37 C.F.R. §2.132(b). Subsection (b) of Rule 2.132 provides that if no evidence other than trademark registrations are offered into evidence, an Applicant can move for dismissal "on the ground that upon the law and the facts the party in the position of Plaintiff has shown no right to relief". The rule states:

*If no evidence other than a copy or copies of Patent and Trademark Office records is offered by any party in the position of Plaintiff, any party in the position of Defendant may, without waiving the right to offer evidence in the event the motion is denied, move for dismissal on the ground that upon the law and the facts the party in the position of Plaintiff has shown no right to relief. See 37 C.F.R. §2.132(b).*

Applicant's alternate motion should therefore be granted.

The Trademark Trial and Appeal Board has frequently ruled under 37 C.F.R. §2.132(b) that when the only evidence in the records is the Opposer's registration(s), the Applicant is entitled to dismissal. Hyde Park Footwear v. Hampshire-Designers, Inc., 197 USPQ639 (TTAB 1997) is frequently cited for this proposition. In that case, the Applicant's trademark SEAL HARBOR was alleged to create a likelihood of confusion, mistake or deception by virtue of the similarity of the mark to the Opposer Hyde Park Footwear. The Board stated:

*The registrations alone are incompetent to establish any facts with regard to the nature or extent of Opposer's use and advertising of its trademarks or any reputation they enjoy or what purchaser's reactions to them may be...however,*

*when there is a difference between the marks or between the goods, or both, it is incumbent upon the Plaintiff to persuade us that there is a reasonable likelihood of confusion.*

Id. at 641. See Syntex (U.S.A.) Inc. v. E.R. Squibb & Sons Inc., 14 USPQ2d 1879, 1880 (TTAB 1990). A recent decision by the Board is on point. Ston Cor Group, Inc. v. Cupa Materiales, S.A., Opposition No. 91190420 (TTAB 2012). While not precedential, the reasoning of the Board is applicable in this case.

In the instant claim, the marks are not identical. Applicant's mark is a design plus words, letters, and or numbers, described as the color(s) white, yellow gold, pink and black are claimed as a feature of the mark. The mark consists of the stylized wording "MISS G-STRING INTERNATIONAL" with the wording "G-String" in yellow gold. The word "MISS" in white is above the word "G-STRING" and the word "INTERNATIONAL" in white is below "G-STRING". All of the wording is outlined in black. All of the words are superimposed on a woman's pink undergarment. The mark claimed by Opposer consists of three words. Of the three words in Applicant's applied for mark, only the first word, "MISS" and last word, "INTERNATIONAL" are shared with Opposer's claimed mark. Accordingly, it is entirely likely that the marks create very different and distinct commercial impressions upon consumers and there is no likelihood of confusion absent testimony and other evidence to prove likelihood of confusion and because the marks at issue are different. Opposer has the burden of proof to establish, by a preponderance of the evidence, that it has standing and a ground upon which relief may be granted. *Cunningham v. Laser Golf Corp.*, 222F.3d 943, 55 USPQ2d 1842, 1844 (Fed, Cir, 2000); *Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185, 189 (CCPA 1982).

Opposers failed to show current status nor current title to the pleaded registration and further failed to prove its asserted claim of likelihood of confusion. Consequently, Opposers failed to demonstrate its standing or that it is entitled to any relief under its asserted claim.

WHEREFORE, Applicant respectfully moves its motion for involuntary dismissal be granted Pursuant to Rule 2.132(a) and (b), the Notice of Opposition be dismissed with prejudice approving Applicant's mark filed under Serial No. 77/753000 (Applicant;s Application) for registration, and awards Applicant any reasonable attorneys' fees to which Applicant may be entitled.

Respectfully submitted,

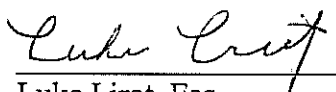
By 

Signed: December 5, 2014

Luke Lirot, Esquire  
Florida Bar Number 714836  
LUKE CHARLES LIROT, P.A.  
2240 Belleair Road, Suite 190  
Clearwater, Florida 33746  
Telephone: (727) 536-2100  
Facsimile: (727) 536-2110  
*Attorney for Applicant*

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Applicant's Motion for Judgment has been served on Thomas T. Aquilla, Esq., as domestic representative of The Worlds Pageants, LLC, and Camilla Productions, Ltd., by mailing said copy on December 5, 2014, via First Class Mail, postage prepaid to: Thomas T. Aquilla, Esq., 221 Coe Hill Road, Center Harbor, New Hampshire 03226.

  
Luke Lirot, Esq.  
Attorney for Applicant

Signed: December 5, 2014

Gracinda Bento Cardoso  
1473 Heather Way  
Kissimmee, Florida 34744  
SS# 016-72-6554 DL# C632-282-73-529-0  
954-818-6465  
407-846-7735

Business address: 1005 Mabbott Street  
Kissimmee, FL. 34741

This contract is entered between Gracinda Cardoso as an individual and R&D Promotions as a corporation where either or both are liable for this contract. Brian Bell personally on January 22/2004 issues this is a loan for the amount of \$20,000.00 (Twenty thousand dollars) in which the funds will be received and paid via check. The loan will be split in three payments, first payment \$ 6,680.00 (six thousand six hundred and eighty dollars) plus \$600.00 (six hundred) for loan assistance making a total of \$7,280.00 (seven thousand two hundred and eighty dollars.) to be paid on the 20 of April of 2004, next payment to be due on the 20 of May of 2004, \$ 6,660.00 (six thousand six hundred and sixty dollars) plus \$600.00 (six hundred) for loan assistance making a total of \$7,260.00 ( seven thousand two hundred and sixty dollars), next payment due on the 20 of June of 2004 \$ 6,660.00( six thousand six hundred and sixty dollars) plus \$600.00 (six hundred) for loan assistance making a total of \$7,260.00 ( seven thousand two hundred and sixty dollars).

This loan is secured by personal assets of Gracinda Cardoso and corporation assets of R & D Promotions, Inc. and it's holdings.

In any litigation between the parties arising out of this agreement or the breach thereof, the prevailing party shall recover reasonable attorney's fees and costs (including appellate fees and costs). Any legal/court action involving this agreement shall be brought and settled in the courts of Pinellas County, Florida, USA.

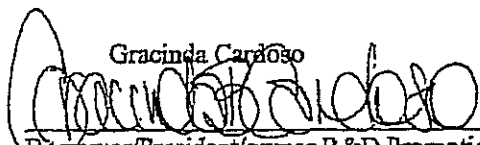
Bank account information  
Bank of America  
Gracinda Bento Cardoso  
4300 West 13<sup>th</sup> Street  
St. Cloud, FL 34769  
407- 892 2456

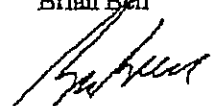
Routing number 026009593

Account number 003439039940

Bank account information for  
receipt of payments:  
SunTrust Bank  
Brian Bell  
300 1<sup>st</sup> Avenue South  
St. Petersburg, FL. 33701  
727-892-3955  
Routing number: 061000104

Account number: 1000013206338

Gracinda Cardoso  
  
Borrower/President/owner R&D Promotions, Inc

Brian Bell  
  
Provider of loan



IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

BRIAN BELL,

Plaintiff,

vs.

R&D PROMOTIONS, INC., a  
Florida corporation and  
GRACINDA B. CARDOSO,

Defendants.

UCN: 522004CA007512XXCICI  
REF NO.: 04-7512-CI-11

**FINAL JUDGMENT ON DEFAULT**

THIS CAUSE coming on to be heard upon Plaintiff's Motion for Enforcement of Settlement Agreement and Entry of Judgment on Default and this Court having examined the pleadings and affidavits in this cause and being otherwise fully advised in the premises, and the Court finds in favor of the Plaintiff and against the Defendants, and finds that the Plaintiff is entitled to recovery of damages and prejudgment interest, together with attorney's fees and court costs, and that a reasonable number of hours expended by the Plaintiff's attorneys in enforcement of stipulation and application for judgment under the Settlement Agreement is 2.0 hours and that a reasonable hourly rate for Plaintiff's attorneys is \$200.00 per hour for Ronald W. Gregory, II, and that, therefore, a reasonable attorney's fee for Plaintiff's attorneys herein is \$400.00; it is thereupon

ORDERED AND ADJUDGED, as follows:

1. That Plaintiff, BRIAN BELL, whose address is 696 First Avenue North, Suite 400, St. Petersburg, FL 33701, shall recover of and from Defendants, R&D PROMOTIONS, INC. and GRACINDA B. CARDOSO, the following sums:

Exhibit B

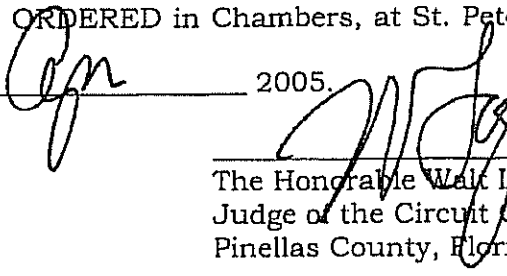
Principal Indebtedness under Settlement Agreement	\$ 24,485.34
Interest January 7, through March 23, 2005 (75 Days at 18% under Settlement Agreement)	\$ 905.62
Attorney's Fees	<u>\$ 400.00</u>
<b>TOTAL</b>	<b><u>\$ 25,790.96</u></b>

all of which sums shall bear interest at the rate of 7% per annum until the judgment is paid, as the rate set by the Florida Comptroller pursuant to § 55.03, FOR ALL OF WHICH SUMS LET EXECUTION ISSUE.

2. IT IS FURTHER ORDERED AND ADJUDGED that the judgment debtor(s) shall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor if the judgment creditor is not represented by an attorney, within 45 days from the date Plaintiff serves the Fact Information Sheet, unless the final judgment is satisfied or post-judgment discovery is stayed.

3. Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor(s) to complete form 1.977, including all required attachments, and serve it on the judgment creditor's attorney or the judgment creditor if the judgment creditor is not represented by an attorney.

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County,  
Florida, this 1 day of Aug 2005.

  
The Honorable Walt Logan  
Judge of the Circuit Court  
Pinellas County, Florida

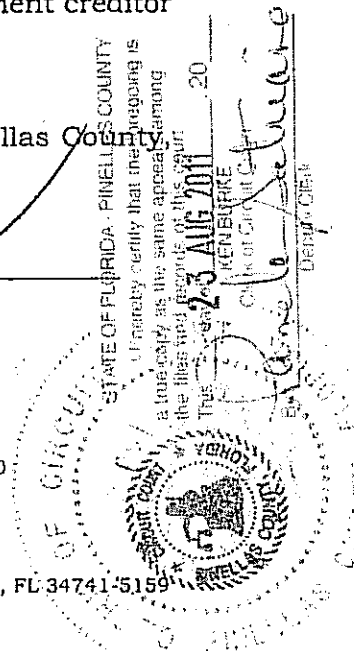
**Copies Furnished To:**

Ronald W. Gregory, II, Esq.  
Attorney for Plaintiff  
P. O. Box 1954  
St. Petersburg, FL 33731-1954

R&D PROMOTIONS, INC. c/o Gracinda B. Cardoso  
1005 Mabbette Street, Kissimmee, FL 34741-5159  
Defendant/ Judgment Debtor

Brian Bell  
696 First Avenue North, Suite 400  
St. Petersburg, FL 33701  
Plaintiff/Judgment Creditor

GRACINDA B. CARDOSO  
1005 Mabbette Street, Kissimmee, FL 34741-5159  
Defendant/ Judgment Debtor



# AQUILLA PATENTS & MARKS PLLC

221 COE HILL ROAD, CENTER HARBOR, NEW HAMPSHIRE 03226 UNITED STATES OF AMERICA

THOMAS TRACY AQUILLA, PHD, JD  
U.S. PATENT ATTORNEY REG. NO. 43473  
NEW HAMPSHIRE BAR ID. NO. 18693  
NEW YORK ATTORNEY REG. NO. 3892627

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TELEPHONE: (603) 253-9474  
FACSIMILE: (603) 253-9476  
E-MAIL: [INFO@AQUILLAPATENTS.COM](mailto:INFO@AQUILLAPATENTS.COM)

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May 13, 2009

**BY E-MAIL and U.S. REGISTERED MAIL**

J. Benton Stewart  
Stewart Law PLLC  
730 South Sterling Avenue, Suite 304  
Tampa, FL 33609

**Re: "MISS G-STRING INTERNATIONAL"**  
**Our Docket No.: RDP-00701L**

Dear Mr. Stewart:

My firm represents R&D Promotions, Inc. in connection with its intellectual property legal matters. R&D Promotions, Inc. ("R&D") is the owner of various trade- and service marks, including U.S. Trademark Registration No. 2,037,202 for the mark "MISS NUDE INTERNATONAL" and numerous other related marks ("the Marks"). Our clients, R&D and its predecessors-in-interest, have used the Marks world-wide and in interstate commerce for many years in connection with their well-known pageants and competitions in the adult entertainment industry. Our client's Mark "MISS NUDE INTERNATONAL" has been registered since 1997 and is incontestable under Section 15 of the Lanham Act.

Your client's use of the name "MISS G-STRING INTERNATIONAL" in connection with adult entertainment events has come to our attention. More particularly, it has come to our attention that your clients are planning to hold an event entitled "MISS G-STRING INTERNATIONAL" at Paradise Lakes Resort on Thursday, October 1 to Saturday, October 3, 2009.

This letter is a demand to cease all use of this name and any variations thereof.

R&D objects to the use of any marks, titles or any similar designations, which infringe upon its marks, particularly those that include the word "MISS" together with the word "INTERNATIONAL" for pageants or competitions in the adult entertainment industry. R&D also reserves the right to object to any Infringing Mark that does not make use of that particular combination of words. In this regard, please note that our client holds extensive trademark rights in hundreds of related marks.

Exhibit C



RDP-00701L  
May 13, 2009  
Page 2 of 3

We note that the name your clients are using is very similar and, in fact, wholly subsumes R&D's registered mark. We are concerned about the great potential for confusion between the marks. Because your clients are using the name for adult entertainment services, your clients' name is likely to induce mistake or deception in people familiar with our client's marks.

Any use of, or intention to use, the mark, name or title "MISS G-STRING INTERNATIONAL", or any other designation similar to any of our client's Marks (collectively "Infringing Marks") for adult entertainment services constitutes trademark infringement of our clients marks, in violation of Section 32 of the Lanham Act. Furthermore, any such use of the Marks constitutes unfair competition and falsely suggests, in violation of Section 43(a) of the Lanham Act, that our client has sponsored, authorized or is otherwise connected with your client's company and/or its services.

Violations of these laws entitle our client to injunctive relief, monetary recovery of your client's profits and of our client's actual losses, and punitive damages, as well as recovery of attorney's fees and court costs. In any action taken on behalf of our client, we would seek such remedies. You should be aware that that in numerous legal actions brought to enforce our client's trademark rights, we have successfully opposed improper use of its Marks.

R&D therefore demands that your clients immediately (i) cease and desist any and all use of the Infringing Marks, including but not limited to the name or title "MISS G-STRING INTERNATIONAL" and any other similar designations; and (ii) agree to refrain from any future use of the Infringing Marks.

We further demand that you forward to us immediately written assurances that your clients have complied with the foregoing and will not illegally interfere with our client's business. If you fail to comply with these demands, then our client intends to take all actions deemed necessary to protect its rights.

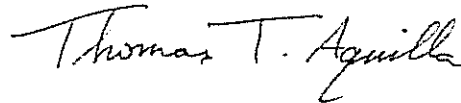
In addition, we suggest that you notify all others unknown to us, who may be participating in your client's use of the Infringing Marks, such as the owners of the venues for and the sponsors of any competitions involving use of the Marks, of the matters set forth herein. They should be put on notice that they risk liability as contributory infringers, if they continue to use or join with your clients in such use.

I write this letter in the hopes of resolving this matter amicably and through cooperative means, and urge you to persuade your clients to select a different name for the scheduled event. There are many names available that would not infringe our client's registered trademarks, such as "Miss Paradise Lakes" or some variation thereof. However, your prompt response and compliance are required, if legal proceedings are to be avoided. Unless we hear from you shortly, we will assume that further action is necessary.

RDP-00701L  
May 13, 2009  
Page 3 of 3

Please contact me at your earliest opportunity to discuss this matter.

Sincerely,

A handwritten signature in black ink that reads "Thomas T. Aquilla". The signature is written in a cursive style with a large, stylized 'T' and 'A'.

Thomas T. Aquilla, Esq.

TTA/ema

Enclosure: Certificate of Registration No. 2,037,202; Abstract of Title  
cc: Paradise Lakes Resort; R&D Promotions, Inc.; The Worlds Pageants, LLC

Thomas Tracy Aquilla  
221 Coe Hill Road  
Center Harbor, NH 03226

October 6, 2011

**BY U.S. FIRST CLASS MAIL**

Mr. Thomas V. Trevethick, Esq.  
Attorney Discipline Office  
4 Chenell Drive, Suite 102  
Concord, NH 03301

**Re: Grievance received from William Eadie**

Dear Mr. Trevethick:

I am writing in response to your second letter dated September 15, 2011. I am certainly willing to cooperate with the Attorney Discipline Office and I hereby address the concerns raised in your letter. The statements made in my letter to Mr. Eadie dated May 13, 2009 are true and correct and these issues currently are being litigated before the Trademark Trial and Appeal Board. Mr. Eadie is using this grievance in the Attorney Discipline Office as a litigation tactic.

1. My client is the owner of an extensive trademark portfolio that includes hundreds of titles for beauty pageants, several of which have been registered on the Principal Register of the USPTO for many years. Trademark rights are created and maintained solely through actual use of the mark in commerce, not by registration. There is no legal requirement that a trademark be registered in the USPTO and most of my client's trademarks are not registered.
2. Included in my client's portfolio is the trademark MISS NUDE INTERNATIONAL, which is registered and incontestable. The Worlds Pageants, LLC is the present owner of this registered trademark by valid assignment. There is no requirement in the Lanham Act that an assignment of a registered trademark be recorded in the USPTO. Nevertheless, the complete chain of title has been recorded in the USPTO and filed with the TTAB in the pending litigation. These documents are now of public record

Exhibit D

and the current Abstract of Title is available on-line at:

<http://assignments.uspto.gov/assignments/q?db=tm&sno=75079154>.

Copies of the actual assignment documents, as well as a copy of the TTAB Order acknowledging the assignment, also are available on-line at:

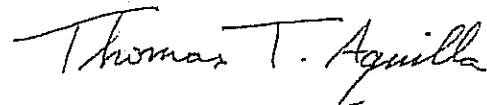
<http://ttabvue.uspto.gov/ttabvue/v?pno=91200183&pty=OPP&eno=6>.

3. My client and its predecessors-in-interest have not abandoned the registered trademark MISS NUDE INTERNATIONAL. Indeed, the USPTO records (which Mr. Eadie provided previously) show that the mark currently is registered and incontestable. There is no rule of law to support Mr. Eadie's contention that the registered trademark MISS NUDE INTERNATIONAL is invalid based on a theory of "constructive abandonment". Like other forms of property, trademark rights persist, even after the owner dies (*i.e.*, individual) or ceases to exist as a legal entity (*i.e.*, corporate dissolution). Trademark rights can only be abandoned by an express abandonment or by non-use. The current status of the registered mark is available on-line at:  
<http://tarr.uspto.gov/tarr?regser=registration&entry=2037202&action=Request+Status>.

I maintain that Mr. Eadie knew these facts at least by the time he received my letter of May 13, 2009, and most certainly well before he filed this grievance with the Attorney Discipline Office. Mr. Eadie has no legal grounds for attacking the validity of my client's registered trademark and no legal grounds for defending the pending opposition in the TTAB. He has therefore resorted to *ad hominem* attack on the attorney of record for the adverse party and is using this grievance in the Attorney Discipline Office as an improper litigation tactic. I again respectfully request that the Attorney Discipline Office dismiss Mr. Eadie's grievance as frivolous.

However, please contact me at your convenience, if I can provide any further information that will assist in closing this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas T. Aquilla". The signature is written in a cursive, flowing style.

Thomas T. Aquilla

## CERTIFICATION OF COPIES

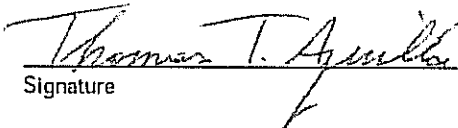
Thomas Tracy Aquilla                      advs.      William Eadie  
Name/s of Attorney/s (Respondent/s)                      Name/s of Complainant/s

I/We hereby certify that a copy of the enclosed Reply Letter  
(Complaint, Response, etc.)

has been forwarded to all of the following complainants, respondents, and counsel for complainants and respondents in the Attorney Discipline Office matter, pursuant to New Hampshire Supreme Court Rule 37A(VII), and that I/we have included a copy of all attachments or enclosures submitted with it:

Name	Address
William Eadie	Miss G-String International, LLC 1420 Sunningdale Lane Ormond Beach, FL 32174

Date: October 6, 2011

  
Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Thomas T. Aquilla  
Printed Name/s

221 Coe Hill Road  
Address

Center Harbor NH 03226  
Address

(603) 253-9474  
Telephone Number